

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

**ORLANDO XAVIER RIVERA
CANALES
DEBTOR**

CASE NO. 10-08069 (BKT)

CHAPTER 13

**MOTION TO MODIFY PLAN AFTER CONFIRMATION
PURSUANT TO 11 U.S.C. §1329**

TO THE HONORABLE COURT:

COME(S) NOW the above named Debtor(s), represented by the undersigned attorney, and very respectfully allege(s) and request(s):

1. The Debtor(s), through their attorney, hereby move(s) to modify the Amended Chapter 13 Plan dated 10/06/2010 (docket #15), confirmed on 11/10/2010 (docket #19).
2. Debtor incurred in arrears of 4 months with the plan, including the present month of August, 2011, as a result of being suspended from his job and salary with the Puerto Rico Police Department for a period of 120 days—from 1/14/2011 to 5/13/2011. See certification, attached as Exhibit I.
3. During the pendency of his suspension the Police continued making his domestic support obligation. Upon his reinstatement to his job, however, these were deducted from his payroll, resulting in an income deficit that prevented Debtor's continued compliance with the confirmed plan payment schedule.
4. In order to cure the arrears with the confirmed plan, a proposed modified plan dated 08/10/2011 is attached hereto and filed. Under the modified plan the Debtor(s) would:

a. Cure the defaulted payments by increasing the monthly payments, from \$165 to \$185, commencing in September 2011, the 12th month into the plan until

completion.

5. ***Additional debtors' attorney's fees in the amount of \$350.00 are requested*** for

the work involved in the assessment of petitioners' changes in circumstances, the modification of the plan, amended schedules, and the accompanying motions.

6. The plan as modified meets the requirements of the Bankruptcy Code.

WHEREFORE, the Debtor(s) respectfully request(s) this Honorable Court to approve the proposed post confirmation modified plan dated 08/12/2011 pursuant to 11 USC 1329.

NOTICE: Within twenty one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sent a notification of all CM/ECF participants in this case, including: the Standing Chapter 13 Trustee and the Assistant U.S. Trustee. I further certify that a copy of this document was mailed First Class Mail postage prepaid to the non CM/ECF participants included in the attached creditor matrix.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, August 12, 2011.

s/JOSE L. JIMENEZ QUINONES
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Estado Libre Asociado de Puerto Rico
Policía de Puerto RicoCUARTEL GENERAL
TEL 787-793-1234

A QUIEN LE PUEDA INTERESAR

CERTIFICO QUE EL AGENTE ORLANDO RIVERA CANALES, SEGURO.SOCIAL XXX- XX- 4725, ESTA SUSPENDIDO DE EMPLEADO Y SUELDO PORDESDE 14/1/11 DE 13/5/2011 DE 2011 HASTA EL PRESENTE DE ESTA

AGENCIA.

DADA 18 DE ENERO DE 2011, SAN JUAN, PUERTO RICO.SRA. MAYRA ESQUILIN
ADMINISTRATIVO I.
SERVICIO AL EMPLEADO

United States Bankruptcy Court
District of Puerto Rico

IN RE:

RIVERA CANALES, ORLANDO XAVIER

Debtor(s)

Case No. 10-08069

Chapter 13

AMENDED CHAPTER 13 PAYMENT PLAN

- The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee directly by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
- The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: <u>8/12/2011</u>		<input checked="" type="checkbox"/> AMENDED PLAN DATED: <u>8/12/2011</u> Filed by: <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other																														
<input type="checkbox"/> PRE <input checked="" type="checkbox"/> POST-CONFIRMATION																																
<p>I. PAYMENT PLAN SCHEDULE</p> <table border="1"> <tr><td>\$</td><td><u>165.00</u></td><td>x</td><td><u>7</u></td><td>= \$</td><td><u>1,155.00</u></td></tr> <tr><td>\$</td><td><u>0.00</u></td><td>x</td><td><u>4</u></td><td>= \$</td><td><u>0.00</u></td></tr> <tr><td>\$</td><td><u>185.00</u></td><td>x</td><td><u>49</u></td><td>= \$</td><td><u>9,065.00</u></td></tr> <tr><td>\$</td><td></td><td>x</td><td></td><td>= \$</td><td></td></tr> <tr><td>\$</td><td></td><td>x</td><td></td><td>= \$</td><td></td></tr> </table> <p>TOTAL: \$ <u>10,220.00</u></p> <p>Additional Payments: \$ _____ to be paid as a LUMP SUM within _____ with proceeds to come from: _____</p> <p><input type="checkbox"/> Sale of Property identified as follows: _____ _____</p> <p><input type="checkbox"/> Other: _____ _____</p> <p>Periodic Payments to be made other than, and in addition to the above: \$ _____ x _____ = \$ _____</p> <p>PROPOSED BASE: \$ <u>10,220.00</u></p> <p>III. ATTORNEY'S FEES (Treated as § 507 Priorities)</p> <p>Outstanding balance as per Rule 2016(b) Fee Disclosure Statement: \$ <u>2,610.00</u></p> <p><i>Orlando Xavier Rivera Canales</i> Signed: <u>/s/ ORLANDO XAVIER RIVERA CANALES</u> Debtor</p> <p>Joint Debtor</p> <p>II. DISBURSEMENT SCHEDULE</p> <p>A. ADEQUATE PROTECTION PAYMENTS OR \$ _____</p> <p>B. SECURED CLAIMS: <input type="checkbox"/> Debtor represents no secured claims. <input checked="" type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows: 1. <input type="checkbox"/> Trustee pays secured ARREARS: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____</p> <p>2. <input type="checkbox"/> Trustee pays IN FULL Secured Claims: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____</p> <p>3. <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____</p> <p>4. <input checked="" type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder: AEELA</p> <p>5. <input type="checkbox"/> Other: _____</p> <p>6. <input type="checkbox"/> Debtor otherwise maintains regular payments directly to: _____</p> <p>C. PRIORITIES: The Trustee shall pay priorities in accordance with the law. 11 U.S.C. § 507 and § 1322(a)(2)</p> <p>D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims.</p> <ol style="list-style-type: none"> (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: _____ <input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: _____ Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ Unsecured Claims otherwise receive PRO-RATA disbursements. <p>OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.) Additional attorney's fees of \$350 are requested for this modified plan.</p>			\$	<u>165.00</u>	x	<u>7</u>	= \$	<u>1,155.00</u>	\$	<u>0.00</u>	x	<u>4</u>	= \$	<u>0.00</u>	\$	<u>185.00</u>	x	<u>49</u>	= \$	<u>9,065.00</u>	\$		x		= \$		\$		x		= \$	
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Attorney for Debtor **JIMENEZ - QUINONES LAW OFFICES**

Phone: **(787) 282-9009**

AMENDED CHAPTER 13 PAYMENT PLAN